United States Department of Labor Employees' Compensation Appeals Board

S.R., Appellant)	
and	,	Oocket No. 21-0400 ssued: April 25, 2022
DEPARTMENT OF VETERANS AFFAIRS,)	35ucu. 11pi ii 25, 2022
VETERANS BENEFITS ADMINISTRATION, Saint Louis, MO, Employer)	
)	
Appearances:	Case Su	bmitted on the Record
Appellant, pro se Office of Solicitor, for the Director		
Office of Solicitor, for the Director		

ORDER REMANDING CASE

Before: ALEC J. KOROMILAS, Chief Judge

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On January 28, 2021 appellant filed a timely appeal from a November 17, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 21-0400.

On September 24, 2020 appellant, then a 49-year-old veterans claims examiner, filed an occupational disease claim (Form CA-2) alleging that she developed major depression and post-traumatic stress disorder (PTSD) due to factors of her federal employment. She noted that she first became aware of her conditions on November 8, 2002 and realized their relationship to her federal employment on July 27, 2020. Appellant alleged that she had previously filed a claim. She stopped work on May 28, 2020. OWCP assigned the claim OWCP File No. xxxxxxx898.

¹ The record reflects that appellant previously filed a traumatic injury claim (Form CA-1), under OWCP File No. xxxxxx304, claiming that she sustained a stress-related condition when she was harassed and denied advanced sick leave. Appellant also previously filed a Form CA-1, under OWCP File No. xxxxxxx379, claiming that she sustained a traumatic mental breakdown on May 28, 2020 due to continuous harassment/retaliation. By decisions dated June 19 and August 27, 2020, respectively, OWCP denied both claims.

By decision dated November 17, 2020, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish that the injury and/or event(s) occurred, as alleged.

The Board has duly considered this matter and finds that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.² For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.³ In the instant case, appellant filed an occupational disease claim for employment-related depression and PTSD. The Board notes that her prior claims under OWCPFile Nos. xxxxxxx304 and xxxxxx379 also involved claims for employment-related emotional conditions. However, appellant's claims have not been administratively combined.

For a full and fair adjudication, this case shall be remanded to OWCP to administratively combine the current case record, OWCP File No. xxxxxxx898, with OWCP File Nos. xxxxxx304 and xxxxxx379.4 Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.⁵

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

³ *Id.*; *Order Remanding Case*, *L.G.*, Docket No. 18-1676 (issued August 22, 2019); *Order Remanding Case*, *D.L.*, Docket No. 17-1588 (issued January 28, 2019).

 $^{^4}$ See Order Remanding Case, C.Y., Docket No. 20-1079 (issued December 7, 2020); Order Remanding Case, K.T., Docket No. 17-0432 (issued August 17, 2018).

⁵ See Order Remanding Case, T.L., Docket No. 18-0935 (issued February 25, 2020); Order Remanding Case, T.M., Docket No. 18-0887 (issued February 21, 2019).

IT IS HEREBY ORDERED THAT the November 17, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: April 25, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board